

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireline Competition Bureau Seeks Comment)	
on Areas Shown as Unserved on the National)	WC Docket No. 10-90
Broadband Map for Connect America Fund)	
Phase I Incremental Support)	
)	

To: The Commission
 Chief, Wireline Competition Bureau

**COMMENTS OF
SPITwSPOTS, INC.**

SPITwSPOTS, Inc. (“SPITwSPOTS”), pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, hereby submits Comments in response to the recent Public Notices issued in this proceeding, which seek comment on a list of “potentially unserved” census blocks in price cap areas for purposes of Connect America Fund (“CAF”) Phase I incremental support.¹ As described below, maps produced by Connect Alaska indicate that the list published by the Wireline Competition Bureau (“Bureau”) understates the coverage areas near Homer, Alaska, where SPITwSPOTS provides broadband services. Accordingly, SPITwSPOTS urges the Bureau to revise its list of “potentially unserved”

¹ See *Wireline Competition Bureau Seeks Comment on Areas Shown as Unserved on the National Broadband Map for Connect America Phase I Incremental Support*, Public Notice, WC Docket No. 10-90, DA 12-1961 (Wireline Comp. Bur., Dec. 5, 2012); see also *Wireline Competition Bureau Updates the List of Potentially Unserved Census Blocks in Price Cap Areas and Extends the Deadline for Comment on the List*, Public Notice, WC Docket No. 10-90, DA 12-2001 (Wireline Comp. Bureau, Dec. 10, 2012) (“Public Notices”).

census blocks to account for these marked coverage areas as well as the RF propagation studies submitted herein by SPITwSPOTS.

Background

SPITwSPOTS is a fixed wireless Internet service provider based in Homer, Alaska. SPITwSPOTS serves approximately 900 customers with fixed broadband services within the Kenai Peninsula Borough, representing 10-14 percent of the households in Homer and 17 percent of the households within SPITwSPOTS' wireless network. SPITwSPOTS provides its customers with broadband services with advertised download speeds exceeding 3 Mbps.²

SPITwSPOTS regularly collects, analyzes and updates data about its broadband coverage. SPITwSPOTS timely reports mapping data to Connect Alaska for purposes of the State Broadband Initiative ("SBI") data submissions and the National Broadband Map. SPITwSPOTS has participated actively in Connect Alaska's broadband mapping efforts for years. Most recently, SPITwSPOTS provided broadband coverage data to Connect Alaska in July 2012. In light of these efforts, SPITwSPOTS is well aware of the contours of its service area.

Properly defining and analyzing geographic areas to identify available broadband service is critical to advancing the goals of the CAF.³ The FCC's transitional CAF Phase I support mechanism would provide up to \$300 million in subsidies to promote

² See *id.* See also <http://www.broadbandmap.gov/internet-service-providers/homer.-alaska/lat=59.6425000000001/long=-151.54833329999997/wireless/> (last visited Jan. 8, 2013).

³ See *American Recovery and Reinvestment Act of 2009*, Pub. Law 111-5 (Feb. 17, 2009) at §6001(l) (requiring the National Telecommunications and Information Administration's Assistant Secretary "to develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.")

broadband deployment to “unserved” areas, as designated on the National Broadband Map.⁴ On November 19, 2012, the Commission directed the Bureau “to publish a list of eligible census blocks shown on the current version of the National Broadband Map as unserved by fixed terrestrial broadband with an advertised speed of 3 Mbps downstream and 768 kbps upstream.”⁵ The Public Notices seek comment on the Bureau’s list of “potentially unserved” census blocks that potentially would be eligible for CAF Phase I incremental support. The Public Notices link to a map that identifies areas “as unserved by fixed broadband with advertised speeds of 3 Mbps downstream and 768 kbps upstream, using the current version of the National Broadband Map and data as of December 31, 2011.”⁶ The Bureau has been directed to seek comment on areas where coverage is either overstated or understated.⁷

As described below, SPITwSPOTS has found that the Bureau’s list of “potentially unserved” census blocks appears to include census blocks served by SPITwSPOTS and/or other broadband providers within the Kenai Peninsula. Accordingly, the Bureau’s list should be revised to exclude any census blocks in this area where they are not “potentially unserved” based on mapping data that are more current than the data in the National Broadband Map.

⁴ Eligible price cap carriers accepted approximately \$115 million of these funds, and the Commission is accepting public comment on alternative proposals for distributing this funding. *See Connect America Fund*, Further Notice of Proposed Rulemaking, WC Docket No. 10-90, FCC 12-138 (rel. Nov. 19, 2012) (“Connect America Fund FNPRM”) at ¶9, 17-35.

⁵ *Id.*

⁶ *See* <http://www.fcc.gov/maps/unserved-fixed-broadband> (visited Jan. 9, 2013).

⁷ The Bureau also seeks comment on areas listed as unserved on the map that are served through the Broadband Initiatives Program or the Broadband Technology Opportunities Program. SPITwSPOTS has not received awards under either program.

Discussion⁸

THE BUREAU’S LIST OF CENSUS BLOCKS MUST BE MODIFIED TO CORRECT UNDERSTATED COVERAGE TO CENSUS BLOCKS IN AND AROUND AREAS SERVED BY SPITwSPOTS

In response to the Public Notices, SPITwSPOTS submits that the data from the state mapping authority Connect Alaska identifies areas in around Homer, Alaska that are fully served with broadband that satisfies the 3 Mbps downstream/768 kbps upstream performance requirements. In the areas within these census blocks where SPITwSPOTS provides customers with broadband service, such service satisfies the Commission’s performance metrics for speed, latency and capacity.⁹ These customers receive fixed broadband service with advertised speeds of at least 3 Mbps downstream and 768 kbps upstream. Accordingly, SPITwSPOTS requests correction of the list to reflect the more current data provided by Connect Alaska. In support of the requested corrections, SPITwSPOTS provides the following information:

- a) ***Connect Alaska data indicate that the Bureau’s list understates coverage to census blocks in and around SPITwSPOTS’ service area***

The Public Notices indicate that the FCC’s data set relies on “the current version of the National Broadband Map and data as of December 31, 2011.”¹⁰ By contrast,

⁸ Attached hereto as Attachment C is the Declaration of Aaron Larson, President of SPITwSPOTS, Inc. which certifies the truth of the factual statements presented herein.

⁹ The FCC has stated that for CAF Phase I and Phase II, the minimum broadband speed benchmark will be 4 Mbps downstream and 1 Mbps upstream, with sufficiently low latency to enable use of real-time applications such as Voice over Internet Protocol and with usage limits (if any) to be “reasonably comparable to usage limits for comparable broadband offerings in urban areas.” *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; and Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“USF/ICC Transformation Order”) at ¶¶90-100.

¹⁰ See *supra* at n. 6.

Connect Alaska recently published an analysis indicating its use of data “based on April 2012 State Broadband Initiative (SBI) data submission[s.]”¹¹ Based on the more current SBI information, SPITwSPOTS has determined that the Bureau’s list understates coverage to census blocks near Homer, Alaska and that the Bureau should account for this more recent data in making CAF Phase I eligibility and funding decisions.

As set forth in Attachment A, Connect Alaska’s January 4, 2013 map for the Kenai Peninsula Borough finds inconsistencies between the Bureau’s proposed eligible areas for CAF Phase I funding and Connect Alaska’s data used in the National Broadband Map. In particular, there are significant areas that Connect Alaska describes as “fully served” where the FCC’s data indicate blocks that are “unserved” or partially served.

SPITwSPOTS agrees with Connect Alaska’s conclusions that the unshaded areas in white in and around Homer and Kachemak City indeed are either served areas or are not price-cap service areas. In addition, as the Connect Alaska map indicates, large areas (shaded in blue on the map) in and around Fritz Creek, Millers Landing and Halibut Cove are fully served according to Connect Alaska data. In these areas, Connect Alaska reports that the Bureau’s list of census blocks understates coverage, and SPITwSPOTS urges the Bureau to revise its list to remove these covered census blocks.

b) RF propagation studies for SPITwSPOTS indicate additional areas where broadband service is available.

SPITwSPOTS service is more available than even the January 4, 2013 Connect Alaska map suggests. The Bureau should account for this availability in determining

¹¹ See Attachment A, which is a printout of a map available at www.connectednation.org/fcc-maps (visited Jan 9, 2013).

eligible areas for CAF purposes. While the Connect Alaska January 4, 2013 map provides useful National Broadband Map information that is more current than the Bureau's dataset, SPITwSPOTS understands that Connect Alaska's data comparison does not include SPITwSPOTS fixed wireless service. As shown in the attached RF propagation map dated as of August 31, 2012,¹² SPITwSPOTS fixed wireless service is available to current and potential customers across a sizeable geographic footprint. For households in areas predicted to receive service via an RF propagation study, SPITwSPOTS generally can make broadband service available to end users within these census blocks within a typical service interval without an extraordinary commitment of resources, subject to weather and other geographic limitations of providing service to rural Alaskans.¹³ The Bureau, therefore, should acknowledge the availability of SPITwSPOTS broadband service to these covered census blocks and should revise its list of "potentially unserved" census blocks to designate these areas as "served" for CAF purposes.

¹² See Attachment B.

¹³ See *State Broadband Data and Development Grant Program*, 74 Fed. Reg. 32545, 32548 (defining broadband service as "available" to an end user address for purposes of the Recovery Act and the National Broadband Map if "a broadband service provider does, or could, within a typical service interval (7 to 10 business days) without an extraordinary commitment of resources, provision two-way data transmission to and from the Internet with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least 200 kbps upstream to the end user at the address.").

Conclusion

For the reasons set forth herein, SPITwSPOTS requests that the Bureau revise its list of “potentially unserved” census blocks, as described herein.

Respectfully submitted,

January 9, 2013

SPITwSPOTS, Inc.

By: */s/ Jonathan E. Allen*
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Attachment A

**Connect Alaska map of Kenai Peninsula Borough,
Advertised Speeds of at Least
3 Mbps Downstream and 768 Kbps Upstream**

(January 4, 2013)

Connect America Fund
Phase 1 Eligible Areas

Data Comparison Between
FCC Proposed Eligible
Areas and October 2012,
Connected Nation Maps

3 Mbps/768 Kbps Speed Tier
Across Price Cap Territories
Kenai Peninsula Borough

Alaska

Updated January 4, 2013

BETA Version

Submit questions or recommended changes to:
maps@connectak.org



Symbology

- Populated Place
- Highway
- Secondary Road
- Borough/Census Area Boundary

FCC Proposed Eligible Areas
and Latest CN Data Agree

- Unserviced Areas
- Partially Served Areas
- Served Areas or
Non-Price Cap Service Areas

FCC Proposed Eligible Areas
and Latest CN Data Inconsistent

Phase I Data OVERESTIMATES Eligible Areas

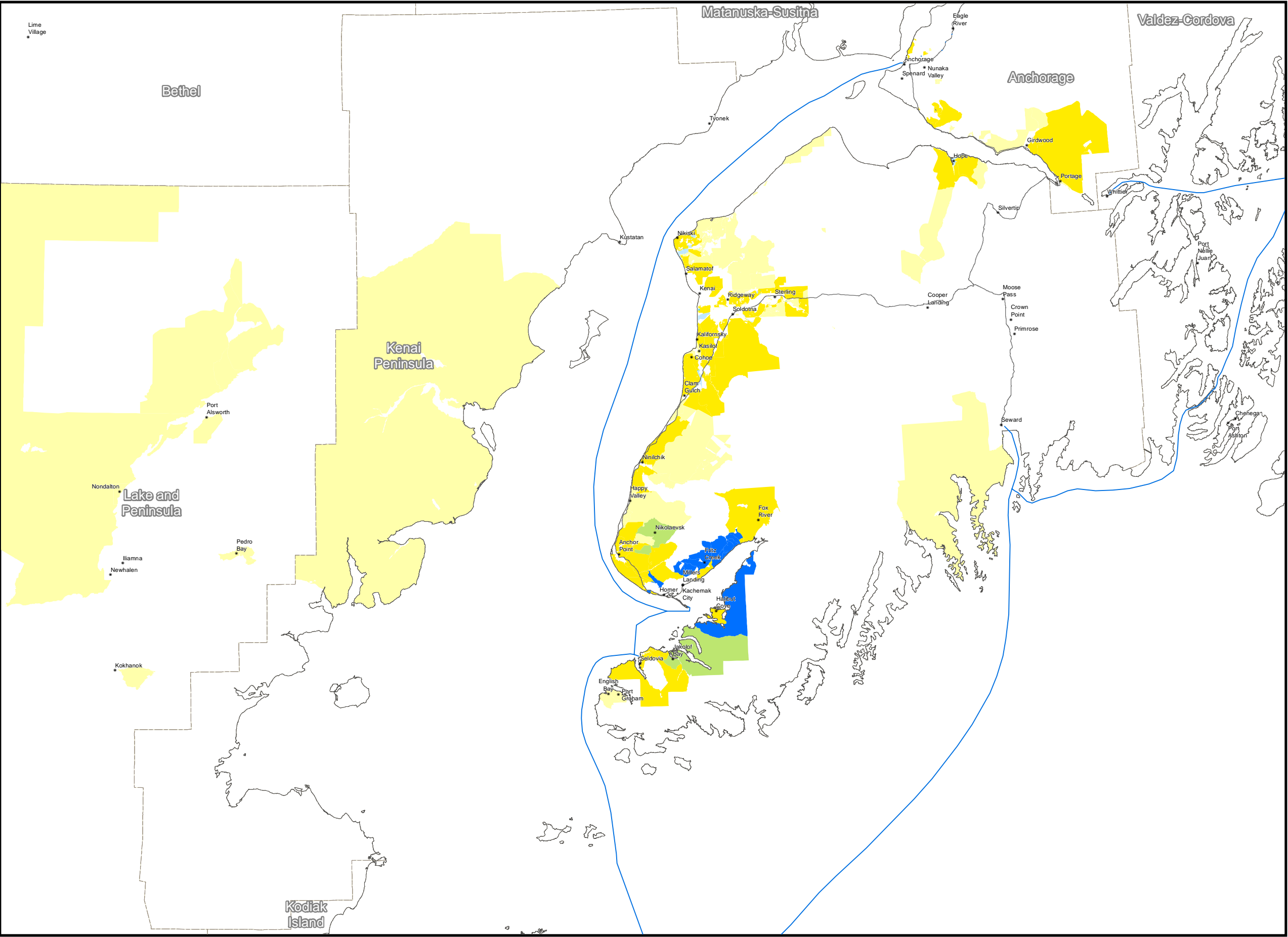
- FCC Data - Unserved Areas,
Latest CN Data - Partially Served
- FCC Data - Unserved Areas,
Latest CN Data - Fully Served
- FCC Data - Partially Served Areas,
Latest CN Data - Fully Served

Phase I Data UNDERESTIMATES Eligible Areas

- FCC Data - Partially Served Areas,
Latest CN Data - Fully Unserved

FCC eligible areas for Connect America Fund Phase I are based on data released by the FCC on December 10th, 2012. This dataset is based on April 2012 State Broadband Initiative (SBI) data submission, 3 Mbps download/768 Kbps upload speed tier dataset. Connected Nation data is based on the more recent October 2012 SBI data submission, 3 Mbps download/768 Kbps upload speed tier dataset. Comparisons across the two datasets are displayed at the census block level.

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Attachment B

Connect Alaska map of SPITwSPOTS fixed wireless services (August 31, 2012)

SPITwSPOTS LLC
Broadband Service
Inventory

Kenai Peninsula
Borough

Updated August 31, 2012

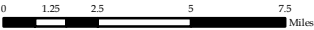
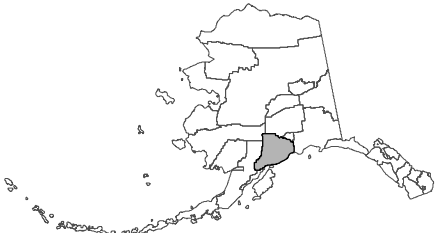
Submit questions or recommended changes to:
maps@connectak.org



As required by the US Department of Commerce's State Broadband Initiative Program, if broadband service is available to at least one household in a census block, then for mapping purposes, that census block is reported to have some level of broadband availability. As such, broadband availability at an exact address location cannot be guaranteed. Providers supplying more specific data than census block are displayed as such.

This map represents areas of broadband service availability determined by in-depth technical analysis of provider networks and accommodations for the impact of external factors on service quality. Satellite broadband services may also be available.

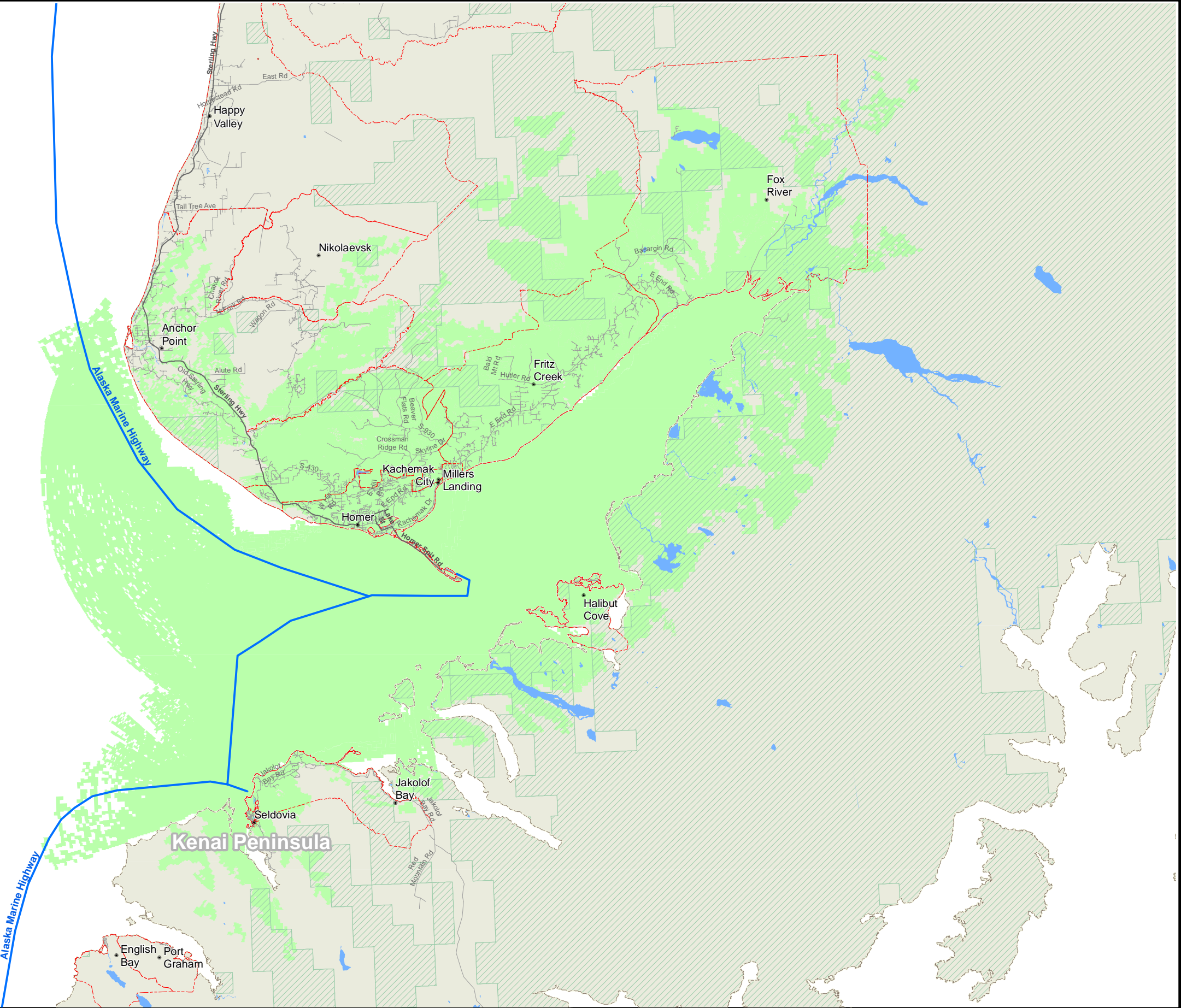
Map users are encouraged to participate in improving broadband data granularity through data validation and field testing efforts. Learn more about this and other broadband mapping facts at www.connectak.org.



Symbology

- Populated Place
- Primary Road
- Secondary Road
- Local Road/Trail
- - - Municipal Boundary
- - - Borough/CA Boundary
- Water
- National and State Land
- Fixed Wireless Available
- Unserviced Area

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Declaration of Aaron Larson

I, Aaron Larson, hereby declare under penalty of perjury as follows:

I am the President of SPITwSPOTS, Inc. This Declaration is submitted in support of my company's Comments in response to the Public Notices issued in this proceeding, which seek comment on a list of "potentially unserved" census blocks in price cap areas for purposes of Connect America Fund Phase I incremental support. I have read the Comments; all facts set forth therein which are not already subject to official notice are true and correct to the best of my knowledge and belief.

Executed on January 9, 2013



Aaron Larson
President, SPITwSPOTS, Inc.

CERTIFICATE OF SERVICE

I, Jonathan Allen, an attorney with Rini O'Neil, PC, hereby certify that I have caused copies of the foregoing "Comments of SPITwSPOTS, Inc." to be sent via email this 9th day of January, 2013, to:

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/s/ Jonathan E. Allen
Jonathan E. Allen